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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALVIN J. DELAIRE, JR., *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF DEFENDANT JONATHAN GREENBERG
FROM ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Jonathan Greenberg, by and through his counsel, Fox Rothschild LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Jonathan Greenberg by filing his complaint (ECF No. 1).
2. On August 24, 2009, defendant Jonathan Greenberg filed an answer to the complaint (ECF No. 43).
3. On October 8, 2009, the Trustee filed his First Amended Complaint (the “FAC”) in the Adversary Proceeding against, among others, Jonathan Greenberg (ECF No. 82).
4. On December 1, 2009, defendant Jonathan Greenberg filed an answer to the FAC (ECF No. 93).
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a Settlement Agreement and Release (the “Settlement Agreement”).

6. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of all the Trustee's claims against defendant Jonathan Greenberg in the Adversary Proceeding. Upon the Trustee's receipt of the full Settlement Payment as set forth in the Settlement Agreement, and provided there is no default under the Settlement Agreement, the dismissal of defendant Jonathan Greenberg from the Adversary Proceeding shall be deemed with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

8. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. Upon the dismissal of defendant Jonathan Greenberg, the caption of the Adversary Proceeding is hereby amended to delete defendant Jonathan Greenberg from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: December __, 2018
New York, New York

BAKER HOSTETLER LLP

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SO ORDERED this 13th day of December 2018

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge